



The Supreme Court of South Carolina

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May 15, 2020

Jocelyn Boyd, Esquire
South Carolina Public Service Commission
101 Executive Center Drive, Suite 100
Columbia SC 29210

PARTIAL REMITTITUR

Re: Duke Energy Carolinas, LLC v. Office of Regulatory Staff and
Duke Energy Progress, LLC v. Office of Regulatory Staff

Appellate Case Numbers 2019-001900 and 2019-001904

Dear Ms. Boyd:

The above referenced matter, as it concerns the respondent-appellant, South Carolina Office of Regulatory Staff is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

DEPUTY CLERK

cc:

Frank Rogers Ellerbe, III, Esquire
Robert E. Stepp, Esquire
Sarah P. Spruill, Esquire
Laura Rebecca Dover, Esquire
Carolyn Grube Lybarker, Esquire
Bess Jones DuRant, Esquire
Stephanie Underwood Eaton, Esquire
Richard L. Whitt, Esquire
Scott A. Elliott, Esquire
Alexander George Shissias, Esquire
Gudrun E. Thompson, Esquire
Robert Guild, Esquire
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David L. Neal, Esquire
Derick P. Williamson, Esquire
Bridget M. Lee, Esquire
Carrie Harris, Esquire
James Blanding Holman, IV, Esquire
Heather Shirley Smith, Esquire
Thomas Stowe Mullikin, Esquire
Hasala Dharmawardena
Alexander William Knowles, Esquire
Andrew McClendon Bateman, Esquire
Nanette Solveig Edwards, Esquire
Robert R. Smith, II, Esquire
Garrett A. Stone, Esquire
Michael A. Lavanga, Esquire
Len Sullivan Anthony, Esquire
Christopher Michael Huber, Esquire
Wallace K. Lightsey, Esquire
Jeffrey M. Nelson, Esquire
Jenny Rebecca Pittman, Esquire
Steven W. Hamm, Esquire
Carolyn Lessie Hammonds, Esquire

The Supreme Court of South Carolina

Duke Energy Carolinas, LLC, Appellant-Respondent,

v.

Office of Regulatory Staff, Hasala Dharmawardena, CMC Recycling, Cypress Creek Renewables, LLC, SC Department of Consumer Affairs, Sierra Club, South Carolina Coastal Conservation League, South Carolina Energy Users Committee, South Carolina Solar Business Alliance, Inc., the South Carolina State Conference of the National Association for the Advancement of Colored People, Upstate Forever, Vote Solar, and Walmart, Inc., Respondents,

of whom South Carolina Energy Users Committee and The South Carolina Office of Regulatory Staff are Respondents-Appellants. AND Duke Energy Progress, LLC, Appellant-Respondent,

v.

Office of Regulatory Staff, Nucor Steel-South Carolina, Cypress Creek Renewables, LLC, SC Department of Consumer Affairs, Sierra Club, South Carolina Coastal Conversation League, South Carolina Energy Users Committee, South Carolina Solar Business Alliance, Incorporated, The South Carolina State Conference of the National Association for the Advancement of Colored People, Upstate Forever, Vote Solar, and Walmart, Inc., Respondents,

of whom Office of Regulatory Staff is Respondent-Appellant.

Appellate Case No. 2019-001900

And,

Duke Energy Carolinas, LLC, Appellant-Respondent,

v.

Office of Regulatory Staff, Hasala Dharmawardena, CMC Recycling, Cypress Creek Renewables, LLC, SC Department of Consumer Affairs, Sierra Club, South Carolina Coastal Conservation League, South Carolina Energy Users Committee, South Carolina Solar Business Alliance, Inc., the South Carolina State Conference of the National Association for the Advancement of Colored People, Upstate Forever, Vote Solar, and Walmart, Inc., Respondents,

of whom South Carolina Energy Users Committee and The South Carolina Office of Regulatory Staff are Respondents-Appellants. AND Duke Energy Progress, LLC, Appellant-Respondent,

v.

Office of Regulatory Staff, Nucor Steel-South Carolina, Cypress Creek Renewables, LLC, SC Department of Consumer Affairs, Sierra Club, South Carolina Coastal Conversation League, South Carolina Energy Users Committee, South Carolina Solar Business Alliance, Incorporated, The South Carolina State Conference of the National Association for the Advancement of Colored People, Upstate Forever, Vote Solar, and Walmart, Inc., Respondents,

of whom Office of Regulatory Staff is Respondent-Appellant.

Appellate Case No. 2019-001904

Carolyn Grube Lybarker, Esquire
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Stephanie Underwood Eaton, Esquire
Richard L. Whitt, Esquire
Scott A. Elliott, Esquire
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Heather Shirley Smith, Esquire
Stinson Woodward Ferguson, Esquire
John Burnett, Esquire
Camal O. Robinson, Esquire
Brandon F. Marzo, Esquire
Molly McIntosh Jagannathan, Esquire

ORDER

South Carolina Office of Regulatory Staff, with the consent of Duke Energy Carolinas, LLC, Duke Energy Progress, LLC, and South Carolina Energy Users Committee, moves to withdraw the notice of appeal it filed in each of these cases. Further, it asks that no costs be taxed against it relating to its filing of these notices of appeal. No other party has filed a return to this motion.

The motion to withdraw the appeal is granted, and the notices of appeal filed by South Carolina Office of Regulatory Staff are dismissed. Further, based on the consent given and the failure of any other party to file a return,¹ the request regarding taxation of costs is granted. Regarding these dismissed notices of appeal, a partial remittitur will be sent as provided by Rule 221, SCACR.

FOR THE COURT

BY


CLERK

Columbia, South Carolina

April 29, 2020

cc:

Frank Rogers Ellerbe, III, Esquire
Robert E. Stepp, Esquire
Sarah P. Spruill, Esquire
Jeffrey M. Nelson, Esquire
Jenny Rebecca Pittman, Esquire
Steven W. Hamm, Esquire
Laura Rebecca Dover, Esquire

¹ See Rule 240(j), SCACR ("Failure of a party to timely file a return may be deemed a consent by that party to the relief sought in the motion or petition.").